



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,409	07/26/2001	Jeremy Stein Cohen	00982.0003.NPUS00	1134

27194 7590 03/25/2004

HOWREY SIMON ARNOLD & WHITE, LLP
BOX 34
301 RAVENSWOOD AVE.
MENLO PARK, CA 94025

EXAMINER

HUYNH, BA

ART UNIT	PAPER NUMBER
----------	--------------

2173

6

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,409

Applicant(s)

COHEN ET AL.

Examiner

Ba Huynh

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

BA HUYNH
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 5.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2173

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 10, the phrase "said windows" lacks clear antecedent basis as to it is not clear which windows the applicants are referring to.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 7, 9-11, 16-34 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent Application Publication 2003/0110181 (Schuetze et al).

- As for claims 1, 23: Schuetze et al teach a computer implemented method and corresponding system for analyzing and presenting profile data, comprising the steps/means for collecting profile data (0192, 0195), analyzing the profile

Art Unit: 2173

data (0193, 0196, 0209), and visualizing the profile data (abstract, 0030, 0034, 0040-0042, 0084, 0194, 0216).

- As for claim 2: The profile data is obtained from a web site (0038).
- As for claim 7: The profile data is obtained from information technology system (0038).
- As for claim 9: The analyzing allows clustering entities according to the profile data into clusters of entities (0123, 0124).
- As for claim 10: The clustering is performed with K-means (0131).
- As for claim 16: Alternative method of web-site design is reported (0216).
- As for claim 17: Schuetze et al teach a computer implemented method and corresponding system for altering electronic media content, comprising the steps/means for:

analyzing entity profile data (0193, 0196, 0209); and

adjusting the electronic media presentation based upon the entity profile data (0215-0216, 0223).
- As for claim 18: The electronic media is a web-site comprising web-pages (0214), and web-page links are adjusted to account for the entity profile data (0215-0216).
- As for claim 19: Web-page content is adjusted (0216, 0223).
- As for claim 20: The web-page content is adjusted based upon profile data for a particular web-site visitor (0214-0216, 0223).
- As for claim 21: The web-page links are adjusted throughout the web-site (0215).

Art Unit: 2173

- As for claim 22: The adjusting web-page links is performed for all web-site visitors subsequent to determining the web-site visitors' profiles (0214-0216).
- As for claim 24: Schuetze et al teach a computer implemented method and corresponding system for analyzing and presenting profile data, comprising the steps/means for:
 - collecting profile data (0192, 0195);
 - analyzing the profile data (0193, 0196, 0209);
 - visualizing the profile data (abstract, 0030, 0034, 0040-0042, 0145, 0194), and
 - providing a menu with options for alternated method of analyzing and visualizing the profile data (0200)
- As for claim 25: The profile data is customer profile data (0124).
- As for claim 26: A set of computer application interfaces in conjunction with an application program that presents entity profile data of interest to a user, comprising:
 - a first interface (1214, "Clustering Result") that receives parameters for a set of entity data attributes,
 - a second interface (1216-1224, 2410) that receives an individual profile analysis type, and
 - a third interface (1228, 1326, 2414) that receives parameters for a first group of entity profile data and an individual profile analysis type and returns a second group of analyzed entity profile data which matches the individual profile analysis type and the first group of profile data attributes (figs 11-22, 24).

Art Unit: 2173

- As for claim 27: A method of creating classifications, comprising:
selecting a populations of entities (0131, 0156, 0192, 0195),
defining segments to which an individual entity may belong (0132, 0193, 0196, 0209),
selecting a subset of segments (0136)
defining characteristic of a population of entities (0137, 0156, 0199),
comparing the subset of segments against the population of entities (0123, 0126, 0138, 0194),
determining important characteristics of the subset of segments based on the comparison (0200).
- As for claim 28: The comparison is based on the characteristics defining a population (0123, 0126, 0130, 0138, 0194).
- As for claim 29: The comparison is based on statistics generated to perform the comparison (0123, 0126, 0130, 0156, 0200).
- As for claim 30: The selecting a subset of segment comprises the steps of selecting a first subset of segments, selecting a second subset of segments, and comparing the first subset with the second subset (0123, 0147, 0199, 0200).
- As for claim 31: The defining group of segment (step b) comprises defining two segments, and the selecting a subset of segment (step c) comprising selecting a subset of two (0130 "Clustering").
- As for claim 32: The important characteristics are selected based on those which are best or worst relative to the comparison population (0123, 0126).

Art Unit: 2173

- As for claim 33: The important characteristics are displayed in a visualizer (figures 23, 24).
- As for claim 34: A graphical user interface to display entity profile data comprising:
 - one or more windows to present a graphical representation of the profile data,
 - a window to present statistics generated from the profile data,
 - a window to provide menu for adjusting the profile data displayed, and
 - means for changing the profile data by altering the provided menus and selecting data presented in the windows (figures 11-22, 24)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6, 8, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication 2003/0110181 (Schuetze et al.).

- As for claims 3-6, 8: Schuetze et al fail to clearly teach that the profile data is obtained from manufacturing system, process system, clinical trial system, biomedical system, or from telecommunication system. However implementation of obtaining profile data from the manufacturing system, process system, clinical trial system, biomedical system, or from

Art Unit: 2173

telecommunication system would have been an obvious field of use, within the context of Schuetze's disclosure. One of skill in the art, at the time of the invention was made, would be motivated to implement Schuetze's teaching in the fields of manufacturing system, process system, clinical trial system, biomedical system, or from telecommunication system for targeting desired information in these systems.

- As for claim 12: The comparison of clusters is conducted with user demographic data comprising at least customer purchases, customer viewing... (0124). Schuetze fails to clearly teach that user demographic data include income. However since income is an important element affecting user purchasing habit, it would have been obvious to one of skill in the art, at the time the invention was made, to further include income as an element of user demographic data.
- As for claim 11: The clusters are compared (0123-0127).
- As for claim 13: The clusters are analyzed (0136-0141).
- As for claim 14: The clusters are analyzed to determine the value of the cluster entities (0132), the number of entities in the cluster of entities (0136), and the attributes of entities in the cluster of entities (0138, 0139).
- As for claim 15: The entities are customers (0124).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794.

The examiner can normally be reached on Mon - Fri.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2173
3/18/04

BA HUYNH
PRIMARY EXAMINER